

CITY COUNCIL REPORT



Meeting Date: August 18, 2014
 General Plan Element: *Land Use*
 General Plan Goal: *Support a diversity of businesses*

ACTION

Vice/Virtue (aka TYC)
4-UP-2014

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9835 approving a Conditional Use Permit for a Bar in Building "A", on an 8,524+/- square foot site located at 7301 E. Indian Plaza with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO) zoning.

Key Items for Consideration

- Conditional Use Permit Criteria
- Division of uses (restaurant during daytime hours, bar during evening hours)
- No impacts to existing infrastructure anticipated
- No public comment received by staff
- Planning Commission heard this case on July 23, 2014 and recommended approval with a vote of 6-0.

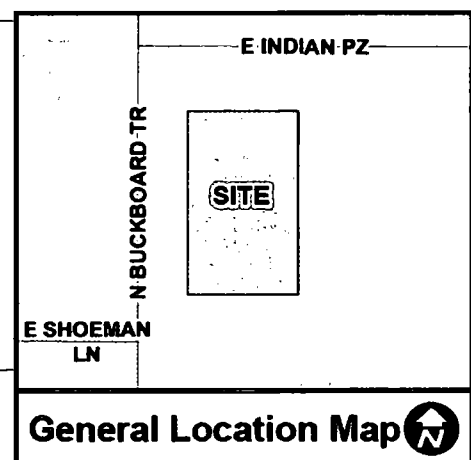
OWNER

Equity Partners Group, LLC
 480-748-8888 Applicant Contact

Jason Morris
 Withey Morris, PLC
 602-230-0600

LOCATION

7301 E. Indian Plaza



BACKGROUND

General Plan

The Downtown Plan Land Use Element designates this site as Downtown Multiple-Use Type 2. This designation encourages redevelopment and infill in an urban neighborhood setting that strengthens Downtown's mix of uses and activities through the development of mutually supportive uses.

Zoning

The site is zoned Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO), which allows for a variety of retail, office and service uses. Bars are allowed subject to approval of a Conditional Use Permit.

Context

The subject property is located at the southeast corner of N. Buckboard Trail and E. Indian Plaza, adjacent to the existing Maya Day and Night Club. To the north is an office/personal service use, zoned Central Business District, Parking District, Downtown Overlay and Parking District, Downtown Overlay (C-2/P-3 DO and P-2 DO), to the east is the Maya Day and Night Club, zoned Highway Commercial District, Parking District, Downtown Overlay (C-3/P-3 DO), to the south is an office use, zoned Central Business District, Parking District, Downtown Overlay and Parking District, Downtown Overlay (C-2/P-3 DO and P-2 DO), and to the west is the W Hotel, zoned Downtown, Office Residential, Type 2, Planned Block Development, Downtown Overlay (D/OR-2 PBD DO). Please refer to context graphics attached.

Other Related Policies, References:

- 83-DR-2011: approval of site plan, landscape plan and elevations for three new commercial buildings
- 55-LL-2014: Request by applicant for a Series 6 (bar) liquor license

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant seeks approval of a Conditional Use Permit (CUP) for a bar use. The applicant intends to operate as a bar only during evening hours. During daytime hours, the applicant intends to operate this establishment as a restaurant, offering full food service breakfast and lunch. The establishment qualifies as a restaurant by providing kitchen space that occupies 30% of the gross floor area (1,450 square feet), and a bar service area that occupies 9% of the gross floor area (439 square feet). Additionally, during daytime hours there will be no age verification at the door, nor will there be a cover charge to enter the establishment. After 5:00 PM, the establishment will transition to a bar use; however, the applicant intends to continue providing full food service during evening until the establishment closes.

Development Information

- Existing Use: Vacant (new shell building)
- Proposed Use: Restaurant/Bar
- Parcel Size: +/- 8,524 square feet
- Parking Required: Daytime Hours (restaurant): 19 spaces
Evening Hours (bar): 47 spaces
- Parking Provided: 47 spaces (37 spaces provided via existing Downtown Overlay and historical credits, and 10 remote spaces)
- Gross Floor Area: 4,692 square feet
- Gross Patio Area: 1,645 square feet

IMPACT ANALYSIS

Land Use

The applicant has indicated they only intend to operate as a bar during evening hours. During daytime hours, the establishment will operate as a restaurant, providing full food service for breakfast and lunch. This Conditional Use Permit would only be applicable during the hours the establishment is operating as a bar (5:00 PM to 2:00 AM). CUP's for live entertainment are handled in a very similar fashion. In most cases, live entertainment is offered during evening hours only; as such, live entertainment CUP's include a stipulation that regulates the hours that live entertainment can be offered, and all stipulations apply only during these hours. The stipulations for the proposed bar use would be identical in format to the stipulations for live entertainment; and bar operations, i.e. age verification for admittance, etc. would not go into effect until the operation transitions to a bar use at 5:00 PM each evening.

Parking

The required parking for the proposed bar use is 47 spaces. Parking for the restaurant component (19 spaces) is covered via existing Downtown Overlay and historical credits. In order to transition to a bar after 5:00 PM, the applicant is required to account for the difference in demand between the restaurant use and the bar use, which in this case is 28 spaces. The site currently has 37 Downtown Overlay and historical credits; leaving 10 spaces unaccounted for. The applicant has secured 10 remote spaces for evening use only in the Galleria parking garage, approximately 200 feet south of the site, bringing the total provided to 47 spaces.

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and

the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **The request is for a bar use only. No live entertainment is proposed for this establishment. During daytime hours the establishment will operate as a full-service restaurant. Speakers are proposed for the patio but will only transmit pre-recorded music or audio from televisions and will be directed inward toward the interior of the establishment. Existing lighting on the building and in the immediate vicinity is sufficient for the proposed use. No additional lighting is proposed. No damage or nuisance from noise, smoke, odor, dust, vibration or illumination is anticipated.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **The establishment will operate as a full-service restaurant during daytime hours daily, serving breakfast and lunch until such time as the establishment transitions to a bar each evening after 5:00 PM. After 5:00 PM, though operations will transition to a bar, full food service will continue to be provided and the kitchen will remain in operation until closing time. As with other restaurants and bars in the area, peak hours of traffic are anticipated to occur during evening hours when the surrounding office and service uses are closed.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **This area of downtown contains a mix of uses ranging from office and service to restaurants and bars. The site is adjacent to the Maya Day and Night Club to the east and is on the same street frontage as Livewire/Bottle Blonde and Hi-Fi, all of which are restaurants and/or bars. The closest established residential use is located approximately 700 feet northeast of the site, on the north side of E. Camelback Road.**
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.
1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - **This establishment will operate as a full-service restaurant during daytime hours, offering breakfast and lunch until such time as the establishment transitions to a bar use. There will be no disruption to the balance of daytime and nighttime uses.**
 2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **This establishment will operate as a full-service restaurant during daytime hours, offering breakfast and lunch until such time as the establishment transitions to a bar use after 5:00 PM. After 5:00 PM, the kitchen will remain open and full food service will continue to be provided. The existing building includes a large patio area that enhances the pedestrian experience and the existing 12-foot wide**

sidewalk that wraps around the building will remain as is. Daytime pedestrian-oriented activities will not be disrupted.

3. If the site is located within the downtown overlay district then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - **The existing building was just recently constructed and is currently vacant. No retail will be displaced as a result of this request.**
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
 - **Parking for the proposed restaurant component is accounted for via Downtown Overlay and historical credits. The additional parking required to accommodate the bar use (10 spaces) will be provided via remote parking agreement. The remote spaces are located at the Galleria parking garage, approximately 220 feet south of the site. The Galleria parking garage consists of approximately 1,695 parking spaces, 127 of which are designated as full-time public spaces. The remaining spaces are available for night-time use, subject to remote leases.**
4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
 - **The nearest established residential use is approximately 700 feet north of the site.**
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - **A Security, Maintenance and Operations Plan, including a Public Safety Plan, has been reviewed and approved by the Scottsdale Police Department and is on file. Conditions of both plans will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
6. The applicant shall create a written exterior refuse control plan for approval by the City.
 - **A refuse control plan is included as part of the Security, Maintenance and Operations Plan, which requires the applicant to pick up any litter or debris within a 300-foot radius of the establishment. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - **All external lighting is existing and is compatible with the lighting in the area. Speakers on the patio will transmit pre-recorded music or television audio only. No live entertainment is proposed for this establishment.**
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - **Parking for the proposed restaurant component is accounted for via Downtown Overlay and historical credits. The additional parking required to accommodate the bar use (10 spaces) will be provided via remote parking agreement. The remote spaces are located at the Galleria parking garage, approximately 220 feet south of the site. The Galleria parking garage consists of approximately 1,695 parking spaces, 127 of which are designated as full-time public spaces. The remaining spaces are available for night-time use, subject to remote leases.**
9. After hours establishments must maintain a valid after-hours establishment license.
 - **No after-hours activities are proposed as part of this request.**

Water/Sewer

Existing water and sewer infrastructure are sufficient to handle the demands of the proposed bar use. No upgrades are required.

Public Safety

The nearest fire station is located at 7522 E. Indian School Road, approximately 2,280 feet (.43 miles) southeast of the establishment. A Security, Maintenance and Operations Plan, including a Public Safety Plan and refuse control plan, has been reviewed and approved by the Scottsdale Police Department and is on file. No significant impacts to existing service levels are anticipated.

Liquor License Review

An application for a Series 6 (bar) liquor license has been submitted by the applicant under case 55-LL-2014. Consideration by City Council is pending.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on July 23, 2014 and recommended approval with a unanimous vote of 6-0.

STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9835 approving a Conditional Use Permit for a Bar in Building "A", on an 8,524+/- square foot site located at 7301 E. Indian Plaza with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO) zoning.

RESPONSIBLE DEPARTMENT(S)


Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT(S)

Greg Bloemberg
Senior Planner
480-312-4306
E-mail: gbloemberg@ScottsdaleAZ.gov

APPROVED BY


Greg Bloemberg, Report Author

7-23-14
Date


Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

8/4/2014
Date


Randy Grant, Director
Planning and Development Services
480-312-7064, rgrant@scottsdaleaz.gov

7/30/14
Date

ATTACHMENTS

1. Resolution No. 9835
 - Exhibit 1. Context Aerial
 - Exhibit 2. Stipulations
 - Exhibit A to Exhibit 2: Floor Plan
 - Exhibit B to Exhibit 2: Site Plan
 - Exhibit 3. Additional Criteria
2. Applicant's Narrative
3. Aerial Close-Up
4. Zoning Map
5. General Plan
6. Citizen Involvement
7. City Notification Map
8. July 23, 2014 Planning Commission Minutes

RESOLUTION NO. 9835

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A BAR IN A 8,524+/- SQUARE FOOT SITE LOCATED AT 7301 E. INDIAN PLAZA, BUILDING "A" WITH CENTRAL BUSINESS DISTRICT, PARKING DISTRICT, DOWNTOWN OVERLAY (C-2/P-3 DO) ZONING.

WHEREAS, the Planning Commission held a public hearing on July 23, 2014; and

WHEREAS, the City Council held a public hearing on August 18, 2014.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that compliance with the additional conditions for bars, set forth on Exhibit 3, is required.

Section 2. That a description of the conditional use permit is set forth in Case No. 4-UP-2014. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 18th day of August, 2014.

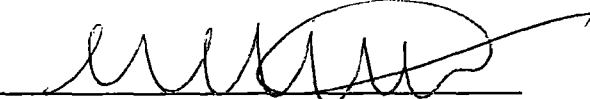
ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 
Bruce Washburn, City Attorney
By: Sherry R. Scott, Deputy City Attorney



Vice/Virtue

Exhibit 1
Resolution No. 9835

4-UP-2014

Conditional Use Permit - Bar

Stipulations

Vice/Virtue (aka TYC)

Case Number: 4-UP-2014

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

OPERATIONS

1. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Brick & West, with a city staff date of 6/16/14, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by Brick & West, with a city staff date of 6/16/14, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **NO LIVE ENTERTAINMENT.** This Conditional Use Permit is for a bar use only. No live entertainment is approved as part of this request.
4. **BAR SERVICE AREA.** The bar service area of this establishment shall not exceed 15% of the gross floor area
5. **KITCHEN/FOOD SERVICE:** This establishment shall include a kitchen, occupying a minimum of 15% of the gross floor area.
6. **AGE VERIFICATION:** Age verification for admittance to the establishment shall not occur before 5:00 PM.
7. **COVER CHARGE:** No cover charge shall be required at any time for admittance to this establishment.
8. **HOURS OF BAR OPERATIONS.** The hours of the bar operations for this establishment shall be limited to:

	Open to Customers	Close to Customers
Sunday	5:00 PM	2:00 AM
Monday	5:00 PM	2:00 AM
Tuesday	5:00 PM	2:00 AM
Wednesday	5:00 PM	2:00 AM
Thursday	5:00 PM	2:00 AM
Friday	5:00 PM	2:00 AM
Saturday	5:00 PM	2:00 AM

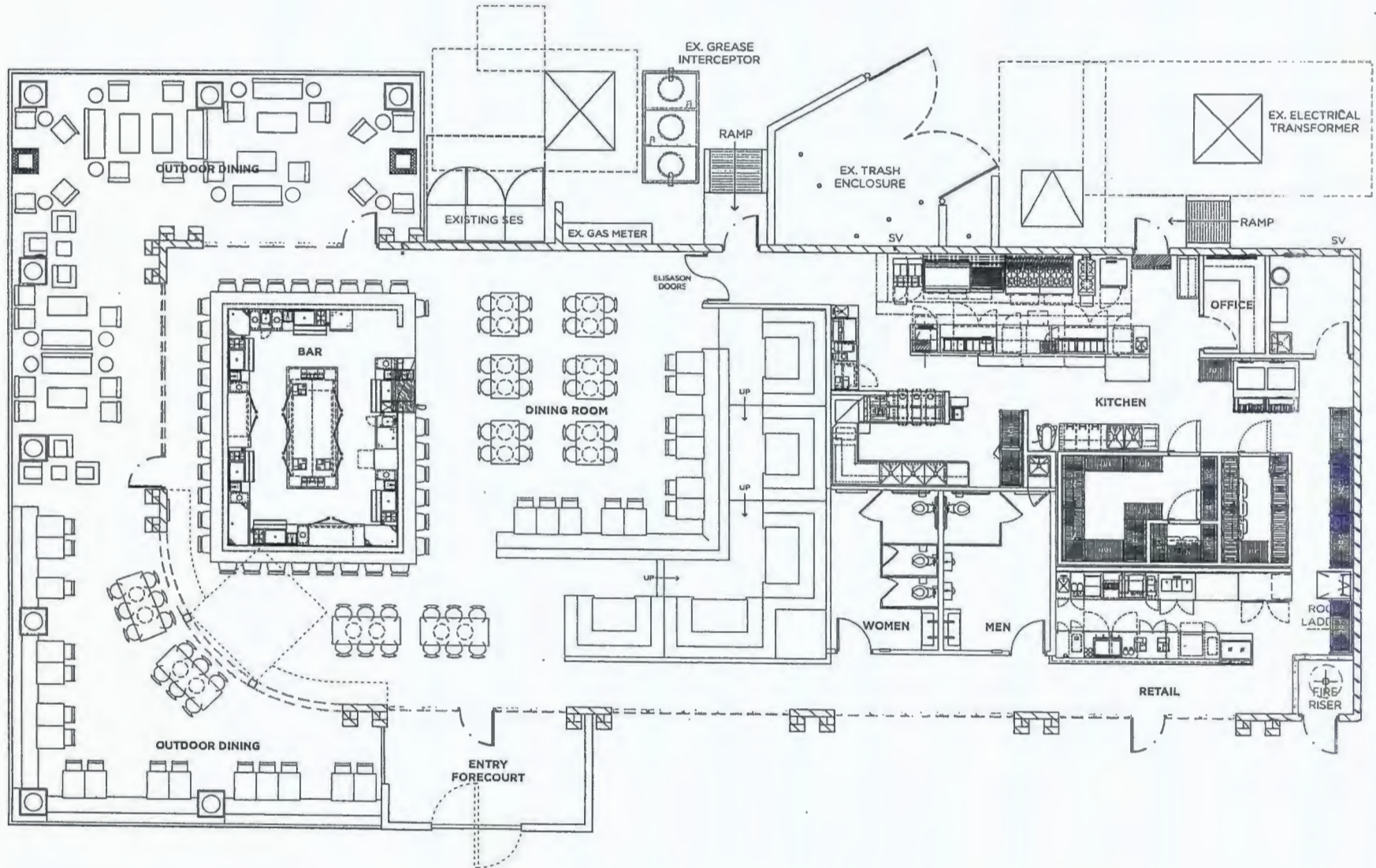
9. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the bar shall conform to the Security, Maintenance, and Operations Plan and Public Safety Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations Plan and Public Safety Plan shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. Where provisions of the Security, Maintenance and Operations Plan conflict with the provisions of the Public Safety Plan, the provisions that establish the higher standard of protection to the public health and safety shall apply.
10. **NOISE.** In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee.
11. **EXTERNAL SPEAKERS.** External speakers shall be directed inward toward the building.

PARKING

12. **MINIMUM PARKING.** The site shall be required to provide parking, as required by the Zoning Ordinance, through on-site parking, off-site parking, in-lieu parking spaces, or any combination thereof, at all times. Failure to provide required parking for the use, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit
13. **PARKING ASSURANCE AGREEMENT.** Thirty (30) days prior to the expiration of any assurance agreement, the owner or operator shall submit a new assurance agreement to the Zoning Administrator, or designee, subject to city review and approval. Inability of the owner or operator to obtain the required parking under an assurance agreement, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.

ADMINISTRATIVE/PROCESS

14. **CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW.** Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
15. **CHANGES IN OWNERSHIP.** Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



1 PROPOSED FLOOR PLAN
10' = 1" = 0'

BRICK & WEST
DESIGN

Prepared by:
BRICK & WEST, LLC
OWNER: [Redacted]
1000 [Redacted]
[Redacted]

Vice | Virtue
TnYar Companies

2014/04/22
10:00
10:00
Date:
Project Number:
Owner:
Contractor:
Designer:
Reviewer:
Date:

Ground Floor Plan
CLIP Submittal

A101
FLOOR PLAN

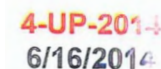


Exhibit 3
Scottsdale Revised Code Section 1.403 (C.)

- C. *Bars, cocktail lounges, and/or after hours establishments.*
1. The use shall not disrupt existing balance of daytime and nighttime uses.
 2. The use shall not disrupt pedestrian-oriented daytime activities.
 3. If the site is located within the Downtown Overlay District D-O then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
 4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
 5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 6. The applicant shall create a written exterior refuse control plan for approval by the City.
 7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 9. After hours establishments must maintain a valid after hours establishment license.

PROJECT NARRATIVE

The project, currently known as "Building A", will be a full service restaurant and bar that marks the final project in the redevelopment of the Scottsdale Retail Plaza city block started several years ago. The project will occupy and improve upon the existing 4,700 sqft shell building currently on site and approved per previous zoning and Design Review cases. The proposed use is completely compatible with the existing uses within the area and will also add a dimension currently lacking - a breakfast option.

The establishment will offer breakfast, lunch, and dinner as well as healthy, blended fruit drinks available from a walk-up smoothie bar. The build-out contains a full kitchen, dining room area, bar area, walk-up smoothie bar, and a +1,600 sqft wraparound outdoor dining patio fronting on both Indian Plaza and Buckboard Trail. The main dining room is roughly 1,800 sqft and contains both tables and booths and while the outdoor patio will be a combination of traditional dining tables, bench seating, and lounge seating. A vast amount of the north and west façade will be clear windows allowing a visible connection from the adjacent patio and streetscape to the interior of the establishment. The primary entry is located on the west façade off of Buckboard Trail where a new entry forecourt will be added to the existing building shell. The smoothie bar is also accessed from this façade.

Although a Conditional Use Permit for a bar use is being requested, the establishment is not a typical bar under City standards. For example, below are the thresholds factors to be considered a bar per City code, along with what is provided by the project:

Per City Code

Bar area 15%+ of gross floor area
Kitchen area less than 15% floor area
Age verification required for admittance
Cover charge required for admittance
Less than 40% revenue from food sales
Kitchen closes before 9pm

Provided

Bar is only 9% of floor area
Kitchen is 30% of floor area
No age verification for admittance
No cover charge (except special events)
Greater than 40% anticipated
Kitchen planned to be open all night

Because of the above, the use will function in a hybrid manner as a restaurant during the day and a bar in the evening. The use fully meets the City parking requirements for the restaurant morning/day use. The bar use in the evening requires additional off-site parking - (current calculations show nine (9) spaces required) - which will be provided off-site per a parking agreement with the nearby Galleria parking garage. It should be noted that the Galleria parking garage is only 215+/- ft. from the proposed use, (much less than the ordinance standard of 600 ft.), providing a convenient, nearby parking option.

APPROVAL CRITERIA

The City of Scottsdale Zoning Ordinance Sec. 1.400 Conditional Use Permits, sets forth the following approval criteria:

- A. Granting the CUP will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, consideration shall include, but not be limited to, the following factors: (1) Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination; (2) impact on surrounding area resulting from and unusual volume or character of traffic.**

Approval of the CUP request will not be materially detrimental to the public health, safety or welfare. Noise will be in compliance with standard City policy and ordinance requirements. The project will not emit smoke, odor, dust, vibration, or illumination such that damage or nuisance occurs. Traffic patterns in the area are already well established and there is a high tendency for patrons to park once and walk to multiple establishments within the area.

- B. The characteristics of the proposed use are reasonably compatible with the types of uses in the surrounding areas.**

The area is already well established for restaurant and bar-type uses. The proposed use is not only compatible with the existing surrounding uses, but will also add a much needed breakfast option to the mix.

- C. The additional conditions specified in Ordinance Sec. 1.403, as applicable, have been satisfied.**

1.403.C - Bars, Cocktail Lounges, and/or After Hours Establishments:

- 1. The use shall not disrupt existing balance of daytime / nighttime uses:**

The use will not disrupt the existing balance of daytime / nighttime uses. If anything, the use will assist with further maintaining a well-proportioned daytime/nighttime balance of uses. The building is currently vacant and not contributing to the area. The proposed use is a perfect mixture of complementary daytime and nighttime uses to blend seamlessly with the area.

- 2. The use shall not disrupt pedestrian-oriented daytime activities.**

The use will enhance pedestrian-oriented daytime activities by creating a better connection to the public right-of-way and thus a more enjoyable

pedestrian experience. The availability of breakfast and walk-up smoothie drinks will only enhance daytime pedestrian activity.

3. **If the site is located within the Downtown Overlay (DO) district then:**
 - a. **The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.**
 - b. **The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street**

The property is within the Downtown Overlay. The use will not displace daytime retail uses. In fact, the use will encourage further daytime retail activity to occur. Required parking for the use is satisfied by parking credits allocated to the property and/or parking arrangements made with the nearby (less than 600ft away) Galleria garage.

4. **If the use is located within five hundred (500) feet of a residential use or district then:**
 - a. **The use shall not adversely impact residential uses.**
 - b. **The use shall provide methods of buffering residential uses.**

The use is not located within 500 ft. of a known residential use or district. Nonetheless, the use is buffered from residential uses and will not adversely impact residential uses. The closest known residential uses are across a major thoroughfare (Camelback Road) with numerous other buildings and uses in between.

5. **An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.**

An active management and security plan has been created and approved by the Scottsdale Police Department and will be implemented, maintained, and enforced for the business.

6. **The applicant shall create a written exterior refuse control plan for approval by the City.**

A written exterior refuse control plan has been created for approval by the City.

7. **The applicant shall demonstrate how noise and light generated by the use shall be mitigated.**

The project will comply with all noise and light ordinances and policies in place within the City of Scottsdale. Noise and light will be mitigated through

proper management of such activities, as well as the use of sound dampening materials and the proper placement of lighting.

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

The use meets the required parking per City code and will not exceed traffic for the area. Current calculations note 46.32 spaces required by code. The property has allocated parking credits in the amount of 38.1 spaces. The Owner will be entering into an agreement for any code required spaces - currently 8.9 (9) spaces - within the nearby Galleria parking garage. It should further be noted that the full block (including the subject Property) already has a City approved agreement in place with the nearby Galleria parking garage for the provision of 52 additional parking spaces (beyond any code requirements) for a determinate amount of time. Even without this 52 space agreement, the minimum number of required spaces per code will continuously be provided for the Property.

CONCLUSION

The proposed Conditional Use Permit meets or exceeds the approval requirements noted in the zoning ordinance and described in detail above. Additionally, the proposed use will greatly improve the streetscape connection and overall pedestrian oriented experience within the area. The approval of this request will not be detrimental to any adjacent properties or uses. Furthermore, the approval will enable the completion of the redevelopment of the Scottsdale Plaza Retail block as previously presented to and approved by City Council while providing another quality amenity for Scottsdale residents and visitors alike.

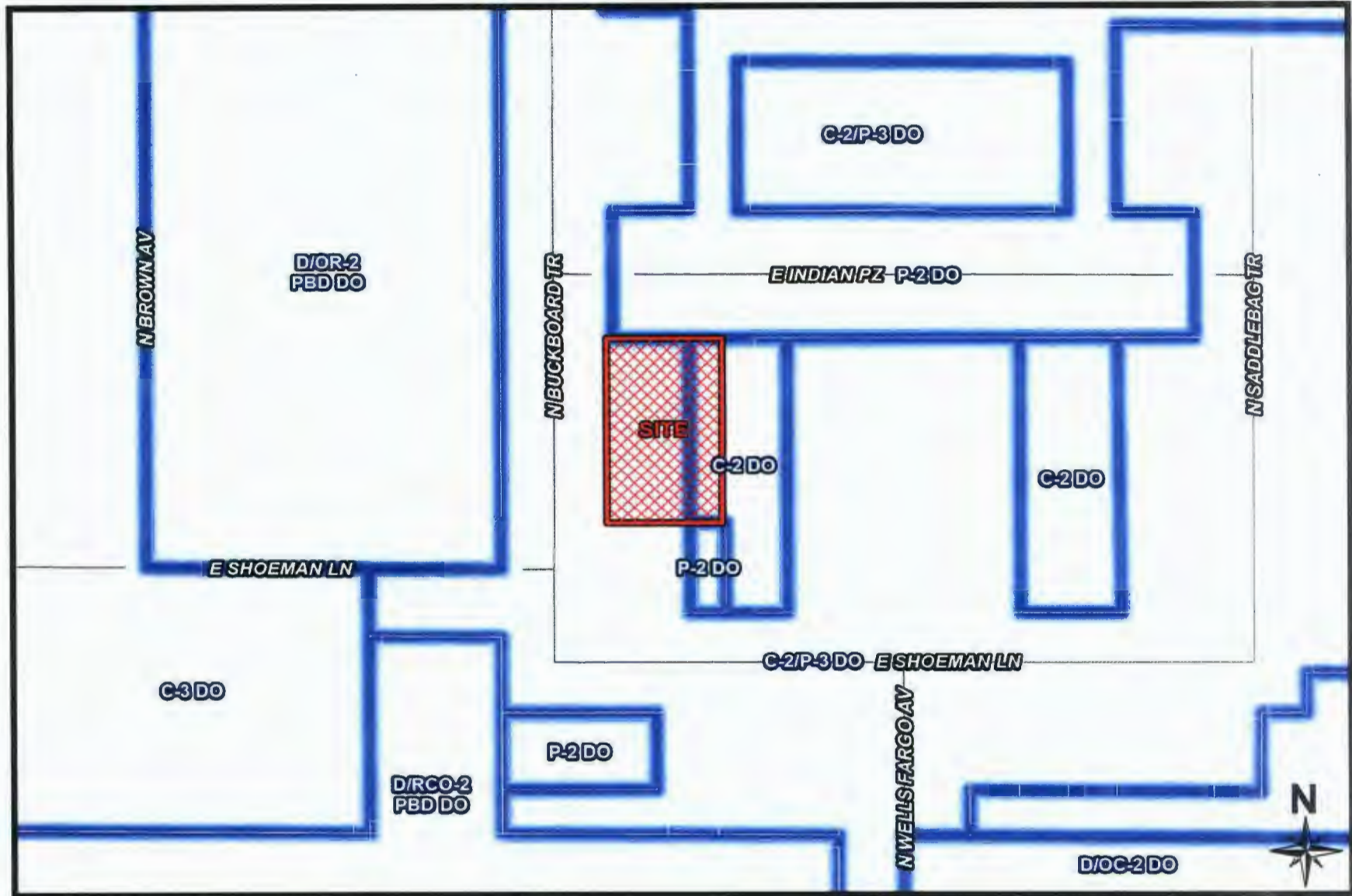
Please feel free to contact me if you have any questions, or if you need any additional information.



Vice/Virtue

4-UP-2014

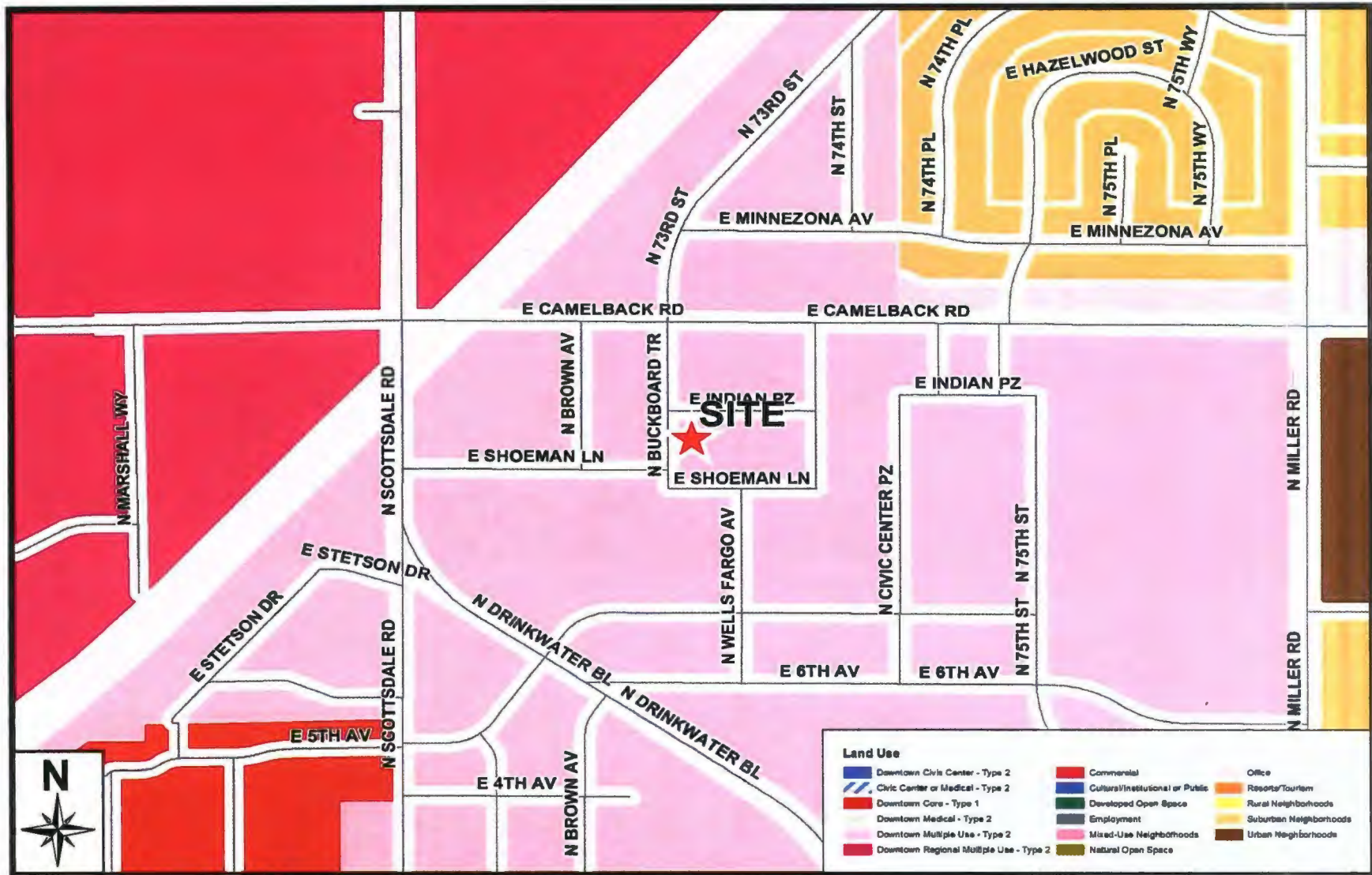
ATTACHMENT #3



4-UP-2014

ATTACHMENT #4

Existing General Plan Land Use Map



4-UP-2014

Neighborhood Notification Report
Building A
7301 East Indian Plaza - (SEC of Indian Plaza and Buckboard Trail)
Conditional Use Permit Application
Pre-Application No. 714-PA-2011

Per the City of Scottsdale Neighborhood Notification Checklist (attached at TAB A), enclosed and below find the required information to satisfy the Neighborhood Notification Report obligations.

Notification letters were mailed on April 8, 2014 to property owners and registered Home Owners Associations (as provided by the City) located within 750 feet of the property. The letter detailed the request, provided information on an upcoming Neighborhood Open House meeting, and provided contact information for both the Applicant and the City. See notification letter, mailing list, and notification area map attached at **TAB B**.

A "Project Under Consideration" sign was posted on site on April 9, 2014 detailing the application request, providing information on the upcoming Neighborhood Open House meeting, and providing contact information for both the Applicant and the City. See affidavit of sign posting attached at **TAB C**.

A Neighborhood Open House meeting was held on Thursday, April 24, 2014 at the W Hotel located at 7277 East Camelback Road (directly across the street from the property in question). Multiple presentation boards depicting the project were on display. Members of the design team and the Owner's representative were on hand to answer any questions. A sign in sheet was provided along with contact information for the Applicant. See Neighborhood Open House sign in sheet and sample of images displayed at meeting attached at **TAB D**.

Three members of the public attended the meeting. Their questions revolved around basic curiosity as to what the project was and when it would be opened. They did not express any concerns regarding the project or application.

No phone calls or emails inquiries have been received regarding the project or application request. See Community Input Certification document attached at **TAB E**. Our office will keep the City of Scottsdale informed of any pertinent follow up inquiries that may occur.

Thank you



April 8, 2014

RE: 7301 East Indian Plaza - Citizen Open House Meeting

Dear Property Owner/Neighbor:

We represent Triyar Management of Arizona, Inc. ("Tiyar") with regard to the 0.2 acre site located at 7301 East Indian Plaza at the southeast corner of Indian Plaza and Buckboard Trail as highlighted on the attached aerial map.

As you may recall, this site, and most of the adjacent block it is situated on, were recently redeveloped with new buildings and uses. The subject site was developed with a roughly 4,700 sqft building shell, but has remained unoccupied. The purpose of this letter is to inform you that Triyar intends to file for a Conditional Use Permit for Bar Use and a Conditional Use Permit for Live Entertainment to allow for the development of a new restaurant and bar with live entertainment at this location.

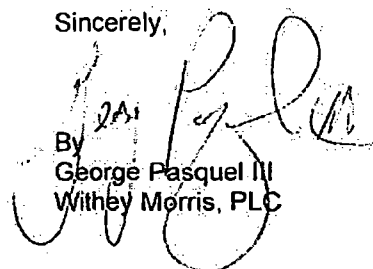
In order to present the project and answer any questions you may have, we have scheduled an open house as follows:

Thursday, April 24, 2014 from 5:30pm – 6:30pm
W Hotel, Studio 1 & 2
7277 East Camelback Road
Scottsdale, Arizona 85251

If this date and time are not convenient, we would be glad to meet or speak with you individually, please contact me at 602-230-0600 or George@WitheyMorris.com. Additionally, any questions and/or comments can be directed to the City's Project Coordinator Greg Bloemberg at 480-312-4306 or gbloemberg@scottsdaleaz.gov. The pre-application case number is 714-PA-2011.

In the future, you should be receiving notification postcards from the City of Scottsdale regarding the case and its scheduling for public hearings by the Planning Commission and City Council. Thank you for your courtesy and consideration.

Sincerely,


By
George Pasquel III
Withey Morris, PLC

Attachment: aerial map

Aerial Map



SEC Buckboard Trail and Indian Plaza



SIGN-IN

TRIYAR

BUILDING A/ 7301 EAST INDIAN PLAZA
NEIGHBORHOOD OPEN HOUSE MEETING

APRIL 24, 2014 - W HOTEL, STUDIO 1 & 2 - 7277 EAST CAMELBACK ROAD - 5:30 PM

NAME (Please Print)	ADDRESS	PHONE NO.	E-MAIL ADDRESS	Homeowner Assoc Name
1. JANE DOE	123 ANY STREET	480 111-1111	JANE@GMAIL	
2. JENNI JEROME	7345 E Shoemaker Ln	602 540 5540	jennij@comcast.net	
3. Noreen Alotaibi	7345 E Shoemaker Ln	602-479-8592	alotaibi@comcast.net	
4. Will Abdallah	7345 E. Shoemaker Ln	(602) 475-4826	willabdelkhalik@comcast.net	
5.				
6.				
7.				
8.				
9.				
10.				

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

135 – HUP Postcards

135 – PC Postcards

135 – CC Postcards

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- City Website-Projects in the hearing process

Vice/Virtue

4-UP-2014

ATTACHMENT # 7



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, JULY 23, 2014

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Ed Grant, Chair
Michael Edwards, Vice-Chair
Matt Cody, Commissioner
David Brantner, Commissioner
Larry S. Kush, Commissioner
Michael J. Minnaugh, Commissioner

STAFF: Steve Venker
Sherry Scott
Greg Bloemberg
Meredith Tessier

CALL TO ORDER

Commissioner Edwards called the regular session of the Scottsdale Planning Commission to order at 5:02 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

1. Approval of June 25, 2014 Regular Meeting Minutes including Study Session.

COMMISSIONER KUSH MOVED TO APPROVE THE JUNE 25, 2014 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION. SECONDED BY COMMISSIONER BRANTNER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

2. 5-TA-2014 (Development Review Board Approval Language)
3. 4-UP-2014 (Vice/Virtue (aka TYC))
4. 5-UP-2014 (Vice/Virtue (aka TYC))
5. 6-UP-2014 (Laugh Factory Comedy Club)
Gregory Elias spoke in support

ITEM NO'S. 2, 3, 4 & 5; RECOMMENDED CITY COUNCIL APPROVE CASES 5-TA-2014, 4-UP-2014, 5-UP-2014 AND 6-UP-2014 BY A VOTE OF SIX (6) TO ZERO (0); MOTION BY COMMISSIONER BRANTNER, PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE PROPOSED TEXT AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN, AND BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET; SECONDED BY COMMISSIONER CODY.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:06 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp